



**THE CITY OF NEW YORK
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VIA ECF

Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Alfonso Williams v. City of New York, et al.,
18-CV-2661 (PKC) (RML)

Your Honor:

I am a Senior Counsel in the office of the Corporation Counsel of the City of New York, representing defendant City of New York in the above referenced action. Pursuant to the Court's January 24, 2020 Order, defendant City respectfully submits this status update.

By way of background, plaintiff alleges that, on or about January 18, 2018, while incarcerated on Rikers Island, he was subjected to excessive force by Department of Correction ("DOC") Officers Nehru Smith and Antonio Aponte while Correction Officers Steven Bailey, Aleshia Capehart, Rochelle Lucas, Vincent Smith, and Eric Wilson failed to intervene. (Docket No. 12 ¶¶ 37-41). As Your Honor may recall, this case has been stayed since October 5, 2018 due to the investigations by various agencies, including the New York City Department of Investigation ("DOI"), the Bronx County District Attorney's Office, the U.S. Attorney's Office for the Southern District of New York ("USAO"), and, most recently, DOC's Investigation Division ("ID"). (See Docket Entry No. 25; Docket Entry dated November 24, 2018; Docket Entry No. 30; Docket Entry dated January 29, 2019; Docket Entry No. 33; Docket Entry dated March 19, 2019; Docket Entry No. 34; Docket Entry dated June 1, 2019; Docket Entry No. 35; Docket Entries Dated July 24, 2019; Docket Entry No. 37; Docket Entry Dated October 2, 2019; Docket Entry No. 38; Docket Entry Dated November 7, 2019, and Docket Entry Dated January 24, 2020).

Accordingly, since January 7, 2020 the undersigned came into possession of the ID investigation file in this matter. Defendant notes that it is in the process of drafting an appropriate Stipulation of Confidentiality and Protective Order, and will produce said ID file,

subject to appropriate redactions, within two (2) weeks of the execution of said Stipulation of Confidentiality and Protective Order between the parties.

Thank you for your consideration herein.

Respectfully submitted,

Christopher D. DeLuca/s/

Christopher D. DeLuca
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cc: All Counsel of Record (By ECF)